

LAND PROTECTION PLAN

Caribou skull.



SUMMARY
LAND PROTECTION PLAN
KOBUK VALLEY NATIONAL PARK

	<u>Acres</u>	<u>Percent of Park</u>
1. <u>Current Ownership</u>		
Federal (includes 77,086 acres of selections by native corporations and individuals ^a)	1,726,463	99
Nonfederal: Native corporations, individuals, and State of Alaska	<u>23,958</u>	<u>1</u>
Total	1,750,421	100
2. <u>Acreage to be Protected</u>		
(Includes 77,086 acres of selections by native corporations and individuals)	101,044	6
3. <u>Proposed Methods of Protection</u>		
a. Fee simple Acquisition	85	1
b. Easements	679.99	1
c. Cooperative Agreement	16,697.21	1
d. Relinquishment of Selections	72,986	4
e. Closure Under State Regulation	10,596	1
4. <u>Statutory Acreage Ceiling:</u> No acreage ceiling has been established for the park. Minor boundary adjustments may be made, adding or deleting up to 23,000 acres without congressional approval (ANILCA, section 103(b)).		
5. <u>Funding Status</u>		
Authorized:	\$900,000 ^b	
Appropriated:	\$900,000 ^b	
Obligated:	\$900,000 ^b	

6. Priorities

Priority Group A

Acquire archeological easements on three native allotments located on significant archeological sites

Acquire a dual purpose easement on a native allotment on a significant archeological site and on an important public access route

Secure agreements with the owners of native allotments to maintain compatible use of these parcels

Acquire fee simple title to one headquarters site and one native allotment on important natural and cultural resources

Secure an agreement with NANA for the Onion Portage area

Acquire an archeological easement from NANA on the main archeological site in the Onion Portage area

Priority Group B

Seek relinquishment of NANA (selected) lands to the north of Onion Portage and around the Little Kobuk Sand Dunes

Seek relinquishment of 14(h)(1) selections

Recommend closure under state law of state submerged lands in the park

Priority Group C

Seek relinquishment of NANA (selected) lands around Jade Mountain and on the western end of the park

^a Not all lands selected by native corporations expected to be conveyed because selections have exceeded total acreage entitlements

^b Shared between three NPS units

INTRODUCTION

In 1982 the Department of Interior issued a policy statement for use of the federal portion of the Land and Water Conservation Fund. This policy statement requires that each federal agency using the fund for protection of lands will

identify what land or interests in land need to be in federal ownership to achieve management purposes consistent with public objectives in the unit

use, to the maximum extent practical, cost-effective alternatives to direct federal purchase of private lands and, when acquisition is necessary, acquire or retain only the minimum interests necessary to meet management objectives

cooperate with landowners, other federal agencies, state, and local governments, and the private sector to manage land for public use or protect it for resource conservation

formulate, or revise as necessary, plans for land acquisition and resource use or protection to ensure that sociocultural impacts are considered and that the most outstanding areas are adequately managed

In response to this policy, the National Park Service requires that a land protection plan be prepared for each unit in the national park system which contains private or other nonfederal land or interest in land within its authorized boundary.

The guiding principle of each land protection plan is to ensure the protection of each unit of the national park system consistent with the stated purposes for which the unit was created and administered.

The major elements to be addressed in this plan are: (1) the identification of nonfederal lands within the park's boundaries that need to be protected; (2) the minimum interest in those lands that the National Park Service must obtain; (3) the recommended means of acquiring land or interest in land; (4) priorities for protection to ensure that available funds are used to protect the most important resources; (5) impacts of the land protection plan on local residents; (6) the amount, type, and density of private use or development that can take place without harming park resources; and (7) external activities that have or may have effects on park resources and land protection requirements.

This land protection plan does not constitute an offer to purchase land or interest in land, nor does it diminish the rights of nonfederal landowners. The plan is intended to guide the park's land protection activities subject to the availability of funds and other constraints.

The land protection plan will be reviewed every two years by the park superintendent to determine if revisions are required. If the plan requires revision other than routine updating of land status information, all affected landowners and the general public will be notified and provided a 60-day

public comment period. The superintendent will maintain current land status information, which will be available for review at the park headquarters.

LAND PROTECTION ISSUES

The primary land protection issues for Kobuk Valley National Park are:

The protection of significant cultural and natural resources on nonfederal lands in the park, which may be subject to destruction or degradation

The provision of public access to significant cultural and natural resources on nonfederal lands in the park

The provision of public access to significant cultural and natural resources, which requires crossing nonfederal lands in the park

The maintenance of the scenic qualities of the park, particularly along the Kobuk River corridor

PURPOSE OF THE PARK AND RESOURCES TO BE PROTECTED

Purpose of the Park

Kobuk Valley National Park was created to: maintain the environmental integrity of the natural features of the Kobuk Valley, including the Kobuk, Salmon, and other rivers, the boreal forest, and the Great Kobuk Sand Dunes in an undeveloped state; protect and interpret archeological sites associated with native cultures; protect migration routes for the Arctic caribou herd; protect habitat for, and populations of, fish and wildlife; and protect the viability of subsistence resources (ANILCA, section 201).

Resource Description

The nearly undisturbed Kobuk Valley lies above the Arctic Circle in the middle section of the Kobuk River. Kobuk Valley National Park contains nationally and internationally significant natural and cultural resources. Within the park boundary are the Great Kobuk Sand Dunes, the Hunt River Dunes, and the Little Kobuk Sand Dunes, some of the few dune fields in the Arctic. Trees approach their northern limit in the park, resulting in an alternating forest and tundra mosaic. The park provides habitat for the western arctic caribou herd and contains one of the most heavily used migration routes of the herd. Other animal species in the park include moose, black and grizzly bear, wolves, salmon, sheefish, and arctic char. The Salmon Wild River lies entirely within the park.

Extensive and important archeological resources are contained within the park. The Onion Portage archeological sites are within a designated National Register archeological district. These sites, dating to 12,500 years ago, are recognized as some of the most significant sites in the North American Arctic and clearly document use by seven distinct cultural groups. Other prehistoric village sites and small sites have been discovered within the park.

LAND STATUS

Kobuk Valley National Park

United States Department of the Interior
National Park Service

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- ▲ SMALL TRACT ENTRIES
- CEMETERY SITES & HISTORIC PLACES - APPLICATION
- ⊙ OVERLAPPING SMALL TRACTS & HISTORIC PLACES
- NATIVE REGIONAL CORPORATION - APPLICATION
- ▨ NATIVE VILLAGE CORPORATION - APPLICATION
- ▤ NATIVE VILLAGE CORPORATION - PATENT & INTERIM CONVEYANCE
- RV OVERLAPPING APPLICATIONS REGIONAL/VILLAGE
- ~ STATE SUBMERGED LANDS
- - - 17 (b) TRAIL EASEMENT
- ★ 17 (b) SITE EASEMENT

NOTE: LAND STATUS IS SUBJECT TO CHANGE AS VARIOUS CONDITIONS AFFECTING LAND STATUS ARE RESOLVED (FOR EXAMPLE, NAVIGABILITY DETERMINATIONS, STATE & NATIVE LAND CONVEYANCES, REJECTIONS OR RELINQUISHMENTS, RIGHTS-OF-WAY, EASEMENTS & SMALL TRACT ADJUDICATIONS). BEDS OF INLAND NAVIGABLE RIVERS & LAKES, TIDELANDS, & SUBMERGED LAND BENEATH MARINE WATERS ARE STATE OWNED.

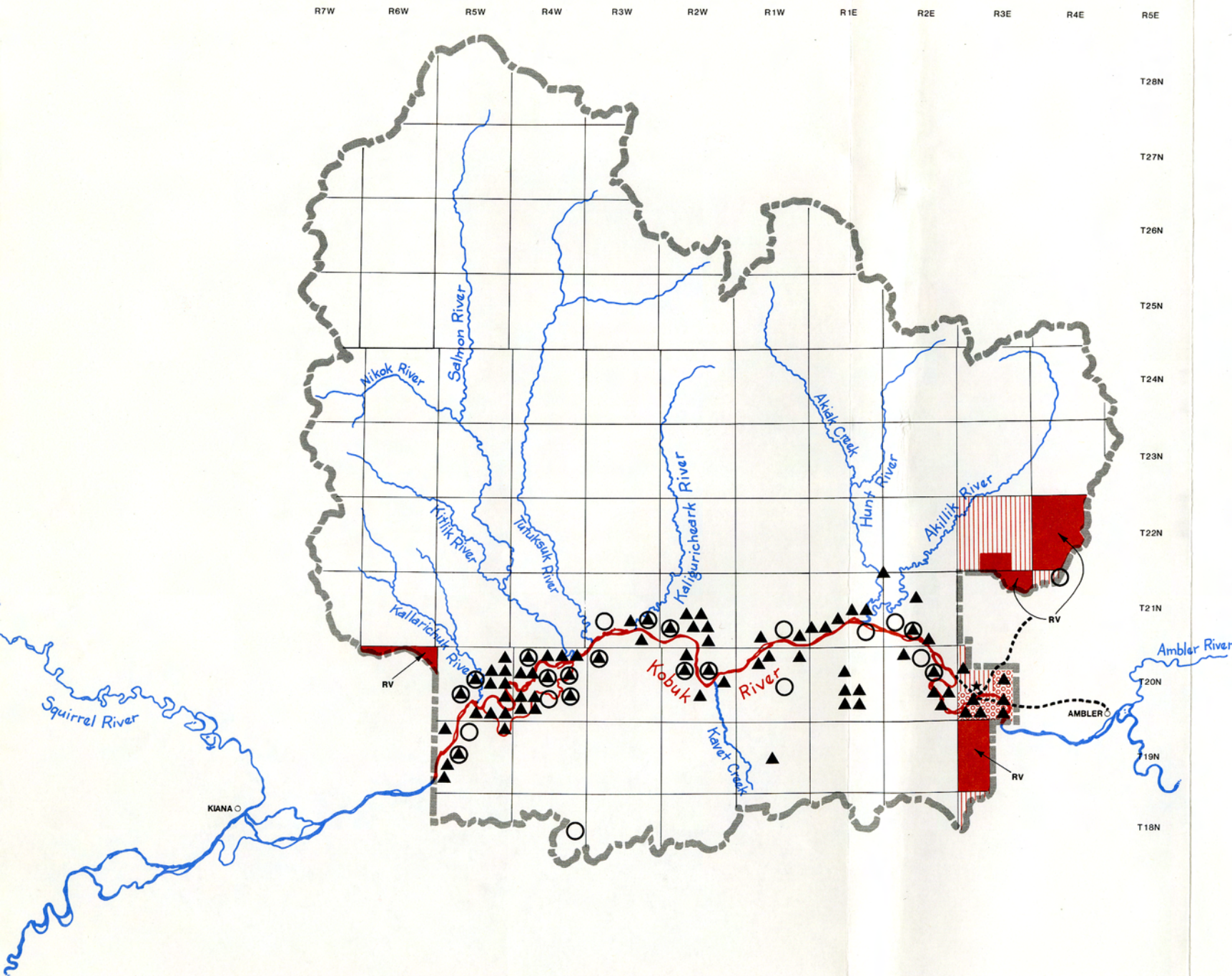


Table 4
Land Status
Kobuk Valley National Park

<u>Federal Lands</u>	<u>Acres^a</u>	<u>Acres</u>
Federal lands with no encumbrances		1,649,377
Federal lands with encumbrances		
Lands under NANA applications	62,567	
Lands under native allotment applications	4,100	
Lands under 14(h)(1) applications	<u>10,513</u>	
	77,180	
Less overlapping applications	<u>-94</u>	
Total federal lands with encumbrances	77,086	
Total federal lands		1,726,463
<u>Nonfederal Lands</u>		
NANA	9,387	
Headquarters site	5	
Native allotments	3,970 ^b	
State (submerged lands)	<u>10,596</u>	
Total nonfederal lands	23,958	
Gross Acreage	1,750,421	

^a acreages are approximate and subject to change as various conditions affecting land status are resolved (for example, navigability determinations and state and native land conveyances) and as surveys are completed

^b includes approved native allotments

No listed or candidate rare, endangered, or threatened species are known to occur within the park.

LEGISLATIVE AUTHORITIES

The Alaska National Interest Conservation Act (ANILCA) provides a general framework for land protection for the newly established conservation units in Alaska. Section 1302 of ANILCA provides the general authorities for land acquisition. The secretary of the interior is authorized to acquire (by purchase, donation, exchange, or otherwise) any lands or interests in lands within the park. Any lands or interests in lands owned by state or local governments or by native village or regional corporations may be acquired only with consent of the owners.

Native allotments or other small tracts may be acquired without consent only after offering an exchange for other public lands of similar characteristics and like value, if such lands are available outside the park, and the owner chooses not to accept the exchange.

No improved property will be acquired without consent of the owner unless such acquisition is necessary for the protection of resources or for protection of those park values listed in ANILCA (section 201). When an owner of improved property consents to exchange lands or to sell to the United States, the owner may retain a right of use and occupancy for noncommercial residential and recreational use for up to 25 years or for the lifetime of the owner or his spouse, whichever is longer (ANILCA, section 1302(d)).

Section 1302(i)(1) and (2) of ANILCA authorize the secretary of the interior to acquire, by donation or exchange, state-owned or validly selected lands that are contiguous to the park. Any lands so acquired will become part of that conservation unit without reference to the 23,000-acre restriction included in minor boundary adjustments as defined in section 103(b) of ANILCA.

Up to 7,500 acres of land can be added to Kobuk Valley National Park if such lands contain significant archeological or paleontological sites that are closely associated with the park. Such lands may be federal lands or may be private or state lands acquired with the consent of the owner (ANILCA, section 1304).

Nonfederal real property, inside or outside the park, can be leased or acquired by any method (except condemnation) for the purposes of establishing administrative sites or visitor facilities (ANILCA, section 1306).

Section 103(c) states that only public lands within the boundaries of any conservation system unit will be deemed to be included as a portion of the unit. The state, native, and other private lands within the boundaries are not subject to regulations applicable solely to the federal lands. However, such lands will become part of the park and be subject to those regulations if they are acquired by the federal government.

In recognition of the Bureau of Indian Affairs' responsibility to owners of native allotments, the National Park Service will notify the Bureau of Indian Affairs before taking actions relating to native allotments, such as securing agreements with allottees, acquiring easements, acquiring allotments in fee simple, or leasing allotments.

In addition to complying with the above-cited legislative and administrative requirements, the National Park Service is required to administer the area as a unit of the national park system pursuant to the provisions of the organic act of the National Park Service (39 Stat. 535), as amended and supplemented, and in accordance with the provisions of title 16 of the United States Code, title 36 of the Code of Federal Regulations, and other applicable regulations and laws. The National Park Service has proprietary jurisdiction over federally owned lands in the park.

RESOURCE MANAGEMENT AND VISITOR USE OBJECTIVES

The National Park Service intends to manage the park to maintain its natural and cultural resource values, and to maintain and enhance public understanding and enjoyment of these values. For a complete description of intended management of the park, refer to chapter III. For a complete description of management objectives for the park, refer to appendix B, which is an excerpt from the park's approved "Statement for Management."

LANDOWNERSHIP AND USES

Approximately 99 percent of the park is currently in federal ownership, while about one percent is owned by private entities. Lands selected by the NANA Regional Corporation and by individual natives under the Native Allotment Act of 1906 may in be conveyed out of federal ownership in the future, and consequently a greater percentage of the park may be in private ownership. These selections constitute approximately five percent of the park.

The majority of native allotments are concentrated along the Kobuk River corridor (see Land Status map). They are used predominantly as seasonal base camps for subsistence activities. These uses are expected to continue and to increase in volume.

Use of NANA Regional Corporation lands in the park consists primarily of subsistence hunting and fishing by local residents. The NANA Regional Corporation owns and operates a jade mine on the south slope of Jade Mountain just outside the eastern boundary of the park. An 8-mile-long winter haul road connects the mine to the Kobuk River. This road crosses into the park boundary; however, the lands it crosses in the park are selected or owned by the NANA Regional Corporation.

Three 17(b) easements have been reserved on NANA Regional Corporation lands in the Onion Portage area to ensure public access to parklands (see the discussion of 17(b) easements under the "Access and Circulation" section in chapter III).

State lands within the park consist of the bed and banks of the Kobuk River to the mean high waterline, which was declared navigable by the Bureau of

Land Management in 1984. The state-owned banks and gravel bars along the Kobuk River are currently used for camping, hunting, and fishing. Determinations of navigability have not been made for other rivers within the park.

The state of Alaska contends that certain rights-of-way are valid under Revised Statute 2477 (see discussion of RS 2477 under the "Access and Circulation" section in chapter III). The validity of these rights-of-way has not been determined. Any valid rights-of-way will be included in future land protection plans as nonfederal interests, and appropriate protection strategies are identified.

Compatibility of Land Uses

The National Park Service is required to examine existing and potential uses of nonfederal lands within the park to determine if these uses are compatible with the purposes for which the park was established (ANILCA, section 1301). For example, one of the purposes Congress assigned for Kobuk Valley National Park is the protection of caribou habitat and populations, and the National Park Service must attempt to ensure that uses on federal and nonfederal lands within the park do not cause harm to caribou habitat or populations. If a private landowner were to subdivide his property and sell parcels for recreational development so that extensive caribou habitat were destroyed or migrations were interrupted, this would be contrary to the purpose of protecting caribou and would be an incompatible use of private land in the park.

The following lists of compatible and incompatible uses of nonfederal lands in the park are presented to publicly inform landowners about what uses of nonfederal lands are generally compatible with the purposes of the park and what uses will cause the National Park Service to initiate actions to protect park resources and values. These lists are intended to serve as general guidelines for both park managers and nonfederal landowners. Because all possible uses of nonfederal lands cannot be anticipated and other compatible and incompatible uses may exist, the following list of uses cannot be all-inclusive.

Compatible Uses. Existing land uses at their present levels in the park are considered to be compatible with the purposes of the park. Compatible present and future uses of nonfederal lands within the park include the following:

- Subsistence hunting and fishing camps with facilities, including cabins and other small structures related to subsistence use

- Winter hauling of jade boulders from Jade Mountain to the Kobuk River, so long as a single corridor is used and no negative effects occur on the Onion Portage archeological sites or caribou migrations and subsistence caribou hunting

- Continuation of allowing public access across private lands to significant resources on federal lands, for example, the Great Kobuk Sand Dunes

Small-scale commercial developments, including lodging (less than 20 guests), to accommodate generally nonconsumptive public use of the park

Incompatible Uses. The following uses are considered to be incompatible with the purposes of the park. If any of the following uses were begun or were proposed, the National Park Service would attempt to prevent such uses by working with the landowner and possibly by acquiring some form of interest in the affected lands.

Commercial developments, including lodging, operated primarily for sport fishing or hunting

Subdivision and/or sale of lands for recreational or commercial purposes

Hauling of jade boulders from Jade Mountain to the Kobuk River which results in significant adverse effects upon caribou migrations, subsistence caribou hunting or archeological sites

Prohibition of public access across private land which is necessary to reach significant resources on federal land, for example, to the Great Kobuk Sand Dunes

Large-scale residential or commercial developments

Any activity on private or state land that results in significant adverse effects on natural or cultural resources, subsistence uses, or general public uses of the park

Sport hunting on private lands in the park

External Conditions Affecting Land Protection

Numerous current or proposed activities in northwest Alaska may affect land use and/or protection of resources within Kobuk Valley National Park. Some examples of these activities follow (as appropriate, these activities are also shown on the External Influences map).

The proposed Red Dog mine is about 70 miles northwest of the park. These zinc and lead deposits may eventually support a mining operation that will employ up to 400 people at the mine site. The Ambler mining district in the Kobuk River drainage to the east of the park may result in the influx of additional people into the region. The National Park Service proposes to work with the developers and operators of these projects to mitigate any negative effects on the park units in northwest Alaska.

The Western and Arctic Alaska Transportation Study (ADOT&PF 1980) identified a possible utility corridor route along the Kobuk River between the Ambler mining district and Cape Krusenstern (this route is identified on the External Influences map). There are no plans at the present time to develop this corridor. Any future requests for transportation systems through the park will be reviewed and processed in accordance with the title XI provisions of ANILCA. It is recognized that substantial sand and gravel

provisions of ANILCA. It is recognized that substantial sand and gravel resources would be required for the construction of any overland transportation systems.

The NANA Regional Strategy (revised 1984) is a 10-year plan for the overall development of NANA lands. The strategy stresses the improvement of the standard of living for NANA stockholders, protecting the environment and the subsistence-based culture, strengthening the spirit and pride of the Inupiat Eskimo, and developing local management capability and local control. Numerous economic opportunities are identified such as the Noatak River hatchery, secondary service businesses to mineral companies, local processing of resources, management of growth and development to minimize impacts, development of training programs that blend traditional values and modern management techniques, and community modernization projects. The National Park Service is a member of the NANA Lands Task Force and seeks to work closely with NANA in the preparation and implementation of land management plans.

The NANA Region Coastal Management Plan is a regional plan that provides ". . .for the balanced protection of natural systems and cultural values" (NANA Region Coastal Management Plan, 1982). The draft coastal plan identifies several key geographical areas of biological, cultural, and industrial importance in or near the park. The National Park Service has provided technical information and testimony in the preparation of the NANA coastal plan and intends to be consistent with the plan in managing the park units in northwest Alaska.

Lands managed by the Bureau of Land Management are open to oil and gas leasing as well as other mineral entry (except the Squirrel River corridor), although little mineral exploration or development is currently occurring on these lands.

The state of Alaska began a comprehensive land use plan for state lands in northwest Alaska in 1985. The plan will identify state lands suitable for resource development, settlement, and resource conservation. The National Park Service intends to cooperate with the state in the preparation of the plan.

Sociocultural Characteristics

About five percent of the land within the boundaries of the park has been selected by the NANA Regional Corporation or individuals, and one percent of the park has been conveyed into nonfederal ownership. Most selections of lands in the park by individuals have been made under the authority of the Native Allotment Act of 1906. One 5-acre tract was selected by an individual as a "headquarters site" under the public land laws.

The NANA Regional Corporation is owned by native shareholders who reside in the villages throughout northwest Alaska and is composed of all the village corporations in the region, with the exception of the Kotzebue Village Corporation. The NANA Regional Corporation was established following the passage of the Alaska Native Claims Settlement Act (ANCSA) of 1971. The goals of the NANA Regional Corporation are presented in the NANA Regional

Onion Portage archeological site.



Kobuk River at access point to Great Kobuk Sand Dunes.



Native allotment (Fish Camp) near Kallarichuk River.



Native allotment (Fish Camp) on Kobuk River.



Strategy. Subsistence uses are the primary activities occurring on the NANA lands in the park and appear to be the predominant uses that will continue on these lands.

Eighty-one native allotment parcels within the park are owned or selected by individual natives residing in the region, primarily in the villages of Ambler and Kiana. Most of these allotments are used seasonally as hunting and fishing camps. None of the allotments are currently occupied year-round.

Past Acquisition Activities and Current Protection Program

Since the park's establishment in 1980, two properties have been acquired. One tract in Kotzebue, consisting of three city lots, was acquired in 1986 for administrative use by Kobuk Valley National Park, Noatak National Preserve, and Cape Krusenstern National Monument. In 1985 a use and occupancy easement was acquired on a 5-acre parcel in the Onion Portage area of the park. This is the first land protection plan prepared for Kobuk Valley National Park.

PROTECTION ALTERNATIVES

The following alternatives offer varying degrees of protection to the natural and cultural resources on nonfederal and federal lands in the park and to the public uses of the park. Each alternative is analyzed with respect to its application, sociocultural impacts, and its potential effectiveness in land protection.

Agreements and Alaska Land Bank

Agreements are legal instruments defining arrangements between two or more parties. Agreements can provide for the exchange or transfer of services, funds, or benefits.

Section 907 of ANILCA established an Alaska Land Bank Program to provide legal and economic benefits to landowners and to provide for the maintenance of land in its natural condition, particularly where these nonfederal lands relate to conservation system units. Native corporation lands (but not native allotments or small patented tracts) that are entered into this program will have immunity from adverse possession, real property taxes, and assessments. They will also be immune from judgement in any action of law or equity to recover sums owed or penalties incurred by any native corporation or group or any officer, director, or stockholder of the corporation or group.

Elements that may be addressed in an agreement include the following:

- Maintenance of land in its natural condition
- Access for resource management activities and public use
- Fire management
- Law enforcement
- Trespass control
- Enhancement of special values

Enforcement of environmental protection laws
Exclusion of specific uses/activities

Assistance may be provided to private landowners without reimbursement if the secretary of the interior determines that it would further the agreement and be in the public interest.

Application. Agreements and the Alaska Land Bank could be particularly important in cooperating with native corporations that own large tracts of land in and adjacent to the park and owners of native allotments located along the Kobuk River corridor. Agreements and the land bank can also be used as an interim protective measure when long-term goals cannot be immediately achieved.

Sociocultural Impacts. Specific impacts would be defined by the terms of the agreement. Since all parties would have to agree to its terms, it is unlikely there would be significant adverse impacts on any party of any agreement.

Effectiveness. As long as the economic incentives for private land development remain limited and/or the landowners' uses of the land are basically compatible with management of adjoining park lands, agreements can be a cost-effective, mutually beneficial means of ensuring compatible uses on private land in the park. Advantages of agreements include their flexibility and relative low cost. Disadvantages include the ability of either party to terminate on short notice and consequent lack of permanent protection.

Zoning by Local Governments

Zoning is based on the power of local governments to protect public health, safety and welfare by regulating land use. At the present time there is no organized borough in the portion of northwest Alaska where the park is located. Zoning may become a method of land protection in the park if a borough is formed in northwest Alaska.

Classification of State Lands

The Alaska Department of Natural Resources, Division of Land and Water Management, is responsible for managing state lands that are not specially designated. This division classifies the state lands it manages. Types of classifications include "Natural Resource Management," "Public Recreation," and "Wildlife Habitat." Classifications establish primary uses for state lands; however, multiple uses of classified lands can occur as long as these other uses are compatible with the designated primary use.

Application. Portions of the Kobuk River have been declared navigable, and therefore portions of the bed of the river are in state ownership. Future navigability determinations may affirm that portions of the beds of other rivers in the park are state owned. Additionally, state lands abut the northeastern boundary of the park. The National Park Service, or any individual or organization, can request that the Division of Land and Water Management classify or reclassify state lands. Classification of state lands

EXTERNAL INFLUENCES

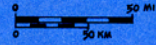
Cape Krusenstern
National Monument

Kobuk Valley National Park

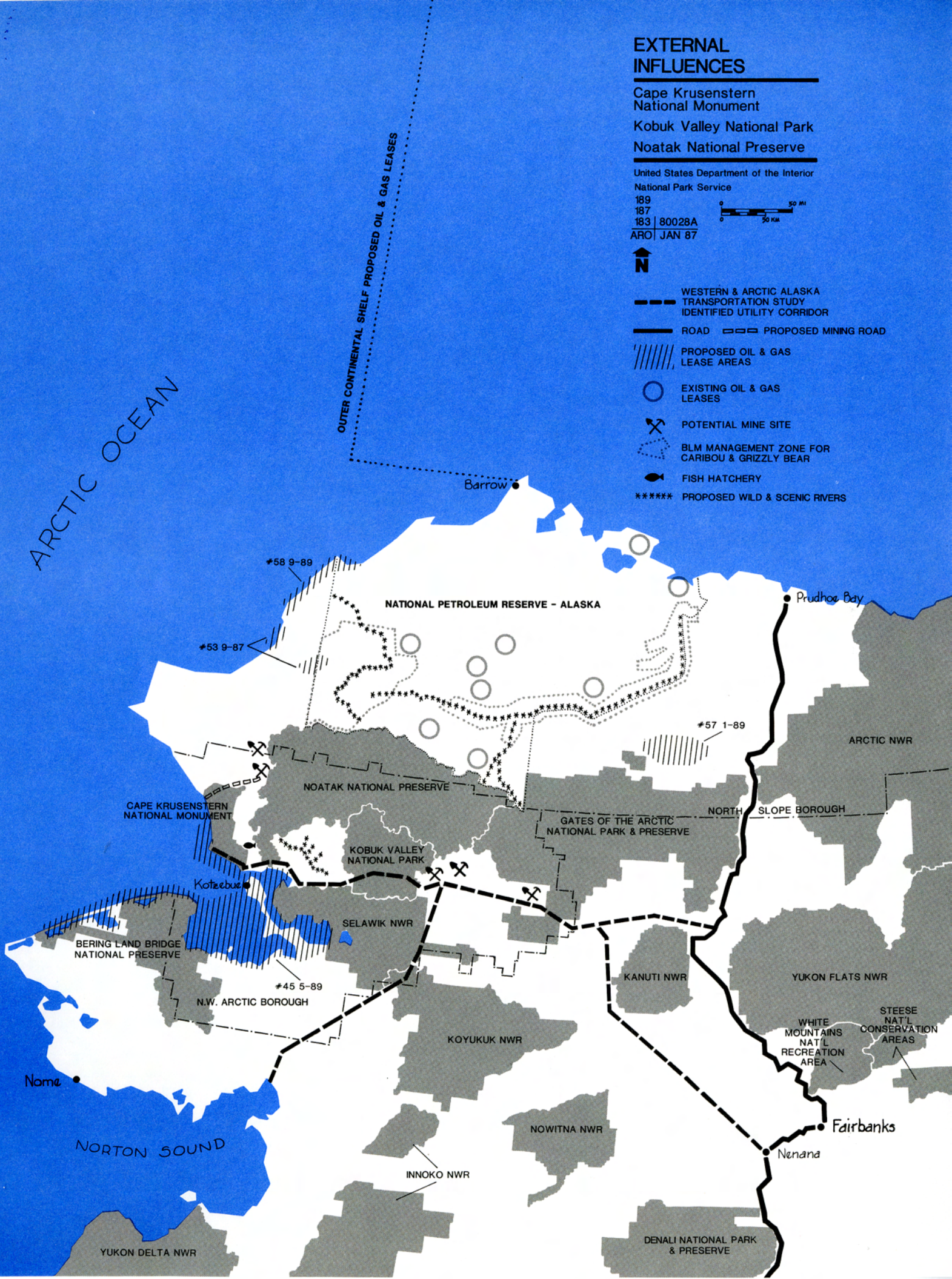
Noatak National Preserve

United States Department of the Interior
National Park Service

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- WESTERN & ARCTIC ALASKA
TRANSPORTATION STUDY
IDENTIFIED UTILITY CORRIDOR
- ROAD PROPOSED MINING ROAD
- PROPOSED OIL & GAS
LEASE AREAS
- EXISTING OIL & GAS
LEASES
- POTENTIAL MINE SITE
- BLM MANAGEMENT ZONE FOR
CARIBOU & GRIZZLY BEAR
- FISH HATCHERY
- ***** PROPOSED WILD & SCENIC RIVERS



may be useful in cases where the interests of the National Park Service and the state of Alaska are similar.

Sociocultural Impacts. Classification of state lands is established through a public process. Any impacts on the people of the region and state would likely be identified and eliminated or minimized during the process. The uses of the lands subject to classification and the type of classification determine what impacts will result.

Effectiveness. Classification can provide protection for state lands within and adjacent to the park. Advantages of classification include no acquisition cost and no need to exchange lands. Disadvantages of classification include lack of permanent protection for park purposes.

Easements

Landownership may be envisioned as a package of rights. Acquiring an easement conveys some landownership rights from one owner to another, while all other rights of ownership remain unchanged. Easements can include an array of rights, ranging from limiting specific uses of the land to providing for public access.

Application. Easements are likely to be useful where

- some, but not all, private uses are compatible with park purposes

- current owners desire to continue some forms of use and occupancy of the land, but are willing to forego other uses of the land

- provision of access for the public or the National Park Service is needed only over a portion of the land

- protection of scenic values would be compatible with other forms of use and occupancy

Specific terms of easements can be constructed to fit the topography, vegetation, visibility, and character of each tract.

Easement provisions to protect park resources could address the following points:

- public access across a portion of private land to public land

- density, height, design, or color of developments visible to the public

- large-scale clearing of vegetation

- access for management of natural or cultural resources

Sociocultural Impacts. The impacts of easements vary depending on the rights acquired. Overall, the impacts may be beneficial because the acquired easements would contribute to the fulfillment of the park objectives, while allowing the landowners' use and enjoyment of the land subject only to

negotiated limitations. In the case of Kobuk Valley National Park the current uses (seasonal residences and associated subsistence uses) would continue.

Effectiveness. Because easements are permanent, enforceable interests in property, they provide greater assurances of protection than do cooperative agreements or zoning ordinances. Easements are rights that stay with the property and are binding on future owners.

Advantages of easements compared to fee simple acquisition include

- continued private ownership and exclusive use subject to the terms of the easement

- lower acquisition costs than acquisition of fee simple, and consequent potential for the National Park Service to protect more land by being able to treat more tracts with available funds

Disadvantages of easements as compared to fee simple acquisition include

- costs in monitoring and enforcing terms of easement provisions over time

- relative high costs of acquisition of scenic easements for all, or any additional development

Fee Simple Acquisition

When all interests in land are required, fee simple title is acquired. As a condition of fee simple acquisition, owners of improved property may choose to retain, and owners of unimproved property may be offered the option to retain, use and occupancy of the property for a definite term. The National Park Service will acquire property, or portions of property, only when necessary to further park purposes. An example of a partial acquisition would be an important archeological site that occurs only on a portion of a property. If fee simple acquisition were the only method of protecting the site, the Park Service would attempt to acquire only as much of the property as is necessary to protect this archeological site.

Application. Fee simple acquisition may be recommended when other methods of protection would be inadequate or inefficient to meet park needs. Fee simple acquisition is generally appropriate where

- land must be maintained in a pristine natural condition which precludes private use

- land is needed for development of park facilities or public use

- land is owned by individuals who do not wish to sell less-than-fee interest

- land cannot be protected in accord with park purposes by other methods, or would not be cost-effective to use these other methods.

Sociocultural Impacts. Most private lands in the park are used for subsistence purposes by the landowners. Even with acquisition of private lands by the United States, local rural residents could continue subsistence activities in the park, as authorized by ANILCA. Exclusive use and development opportunities on acquired parcels would be precluded.

Effectiveness. Fee simple acquisition is the most effective and secure land protection alternative.

Advantages of fee simple acquisition include

- permanent management of the land by the National Park Service
- assurance of public access and access for management
- opportunity to develop park facilities, if appropriate
- familiarity of fee simple acquisition to landowners

Disadvantages of fee acquisition include

- initial acquisition costs
- requirement for maintenance and management of existing facilities (cabins) on some tracts
- possible removal of lands from tax rolls

Environmental Protection Standards/Regulations

Activities and developments on nonfederal land in the park must meet applicable state and federal environmental protection laws. Regulations based on these laws provide authority to protect certain elements of the natural and cultural resources of the park.

Application. While NPS regulations do not generally apply to private lands in the park (Section 103, ANILCA), there are federal and state laws that do apply. These include but are not limited to the Alaska Anadromous Fish Act, the Endangered Species Act, the Clean Water and Clean Air acts, and the Protection of Wetlands, to name a few.

Sociocultural Impacts. Environmental laws and regulations are intended to result in protection of important public resources--such as clean air and water and fish and wildlife. These laws and regulations generally do not prevent uses of private lands, rather they ensure that uses of private lands do not result in unacceptable harm to important public resources. Landowners may be required to modify use of private property in ways that minimize or prevent harm to these resources.

Effectiveness. Enforcement of federal and state laws and regulations can prevent or minimize harm to certain of the natural and cultural resources in the park, but do not prohibit all activities that might adversely affect the park. For example, large-scale mineral development or recreational

subdivision of nonfederal lands could adversely affect the park and would be generally allowable under federal and state laws.

Methods of Acquisition

Primary methods of acquisition of fee simple and less-than-fee interests in lands are donation, purchase, and exchange. Land selections may be relinquished, allowing title to remain with the federal government. The National Park Service will give preference to acquiring interests in land through exchange.

Donation. Landowners may be motivated to donate their property or specific interests in their property to achieve conservation objectives or to attain tax benefits. Donations of fee simple title are deductible from taxable income. Easement donations may also provide deductions from taxable income. Landowners are encouraged to consult qualified tax advisors to explore the detailed advantages of donations.

Exchange. Land or interests in land may be acquired by exchange. The land to be exchanged for a nonfederal tract within a park unit in Alaska must be located in Alaska and must generally be of approximately equal value. Exchange may be made for other than equal value if the secretary determined that to do so would be in the public interest. (ANILCA, section 1302).

The National Park Service will also consider exchanges of lands within the park boundary to consolidate NPS jurisdiction and thus create more manageable units.

Other federal lands in Alaska that become surplus to agency needs normally go through disposition procedures, including public sale. The National Park Service will work with the Bureau of Land Management and the General Services Administration to determine the availability of federal lands for exchange purposes.

Purchase. Acquisition by purchase requires funds to be appropriated by Congress or donated from private sources. Appropriations for acquisition are expected to be very limited during the next several years. Donations of funds or purchases by individuals or organizations interested in promoting conservation purposes will be encouraged.

Landowners who wish to sell property within the park are encouraged to contact the superintendent. The National Park Service is interested in the opportunity to review all proposed land offerings. Offerings will be reviewed for possible purchase by the National Park Service based on their priority in the land protection plan recommendations and on their potential contribution to the enhancement of scenic values, resource protection, continuation of community subsistence opportunities, enhancement of recreational opportunities, and maintenance of the undeveloped character of the area. Extenuating circumstances, including hardship as defined in ANILCA section 1302(g), will also be considered. The availability of appropriated funds will determine the Park Service's ability to act on proposals from willing sellers.

Relinquishment. Land under application may be relinquished, resulting in retention in federal ownership. The relinquishing entity can use the acreage being relinquished to acquire other lands outside the park.

There are currently approximately 73,080 acres of selections by the NANA Regional Corporation in the park. Most of these selections are located on the eastern end of the park, although there are several thousand acres of NANA selections on the western end of the park. These lands remain in federal ownership until such time as they may be conveyed to NANA. The NANA Regional Corporation currently has selections in excess of acreage entitlements authorized by the Alaska Native Claims Settlement Act. Most of these selections lie outside the boundaries of the national park system units in northwest Alaska, and NANA can complete authorized acreage entitlements by getting conveyance to selections that lie outside the national park system units. If selections in the park are relinquished or if they simply are in excess of entitlements following the completion of conveyances to NANA, the lands under selection in the park will remain in federal ownership under NPS management.

Because the NANA Regional Corporation has sufficient selections outside the boundaries of the park to complete acreage entitlements, no reduction in NANA landownership will result from relinquishment of selections within the park. Selected lands outside the park may or may not be of equal or greater value to the objectives of NANA, than selected lands within the park.

Condemnation. Where it is determined that land or interests in land must be acquired, the National Park Service will negotiate with the owner to reach a compatible settlement for purchase. If the land use activities produce an imminent threat or actual damage to the integrity of park lands, resources or values, the Park Service will diligently negotiate for acquisition of sufficient interest to prevent such damage. If a negotiated settlement cannot be reached, the Secretary of the Interior may exercise the power of eminent domain to preclude or cease activity damaging to park resources. Condemnation proceedings, where allowed by law, will not be initiated until negotiations to achieve satisfactory resolution of the problem have been exhausted. Under certain circumstances, condemnation action may be used during the process of acquisition involving willing sellers to overcome defects in title.

RECOMMENDATIONS

The National Park Service will pursue a series of land protection actions for the nonfederal lands in the park. These actions will be based on the purposes for which the park was established and will be in compliance with the provisions of ANILCA and other applicable laws.

The recommended means of land protection for nonfederal land in Kobuk Valley National Park are in priority order below. Ownerships, locations, acreages involved, minimum interests needed for protection, and justifications are also given. Priorities may be readjusted if incompatible uses develop, as additional information is obtained, or to address emergencies or hardships. The land protection plan will be reviewed every two years and revised as necessary to reflect new information and changing uses and priorities.

Review and revision procedures, including public involvement, are discussed in the introduction to this plan.

This plan identifies a minimum interest needed for protection of individual tracts but recognizes that the actual means of protection may change as a result of negotiation. A minimum interest has been defined for the protection of native allotments. However, the National Park Service recognizes that the traditional use of native allotments is compatible with the purposes of Kobuk Valley National Park. If the owners of native allotments continue to use their property as it has been traditionally used, the Park Service does not intend to acquire allotments. The need for federal acquisition to protect resource values will be triggered if a change is perceived from this traditional use to an incompatible land use.

Section 1302 of ANILCA authorizes the secretary of the interior to acquire by purchase, donation, exchange, or otherwise, any lands within the boundaries of conservation system units. Where acquisition is proposed, exchange is the preferred method whenever possible. Donations or relinquishments, where applicable, are encouraged. Purchase with appropriated or donated funds is another possible method. The appropriation of funds for land acquisition is expected to be very limited for the next few years. Therefore, the purchase of nonfederal interests in the park is expected to be minimal.

No estimates of the cost of implementing the recommendations of this plan have been prepared at this time. A useful estimate requires appraisals. Appraisals are costly and have a short shelf life because of variable and changing market conditions. Appraisals for individual tracts will be prepared following agreement in concept with the landowner to acquire a specific interest in real property.

Any lands added to Kobuk Valley National Park through boundary adjustments, or acquisitions within the boundary, will be designated as park. Any lands acquired within existing wilderness boundaries will become wilderness, in accordance with section 103(c) of ANILCA. When additions are proposed to be acquired under authority of sections 1302(i) and 103(b) of ANILCA, public and congressional notification and review will be provided as appropriate. Lands added to the park will be managed in the same manner as other unit lands of the same designation.

Criteria

Lands containing significant resources for which the park was established and lands needed for primary public uses will receive priority in land protection actions by the National Park Service. These two factors were used to develop the following criteria for land protection actions by the National Park Service.

Sensitive habitats

- Caribou migration routes
- Moose wintering areas
- Bear and wolf denning areas
- Fish spawning areas

LAND PROTECTION PRIORITY GROUPS

Kobuk Valley National Park

United States Department of the Interior
National Park Service

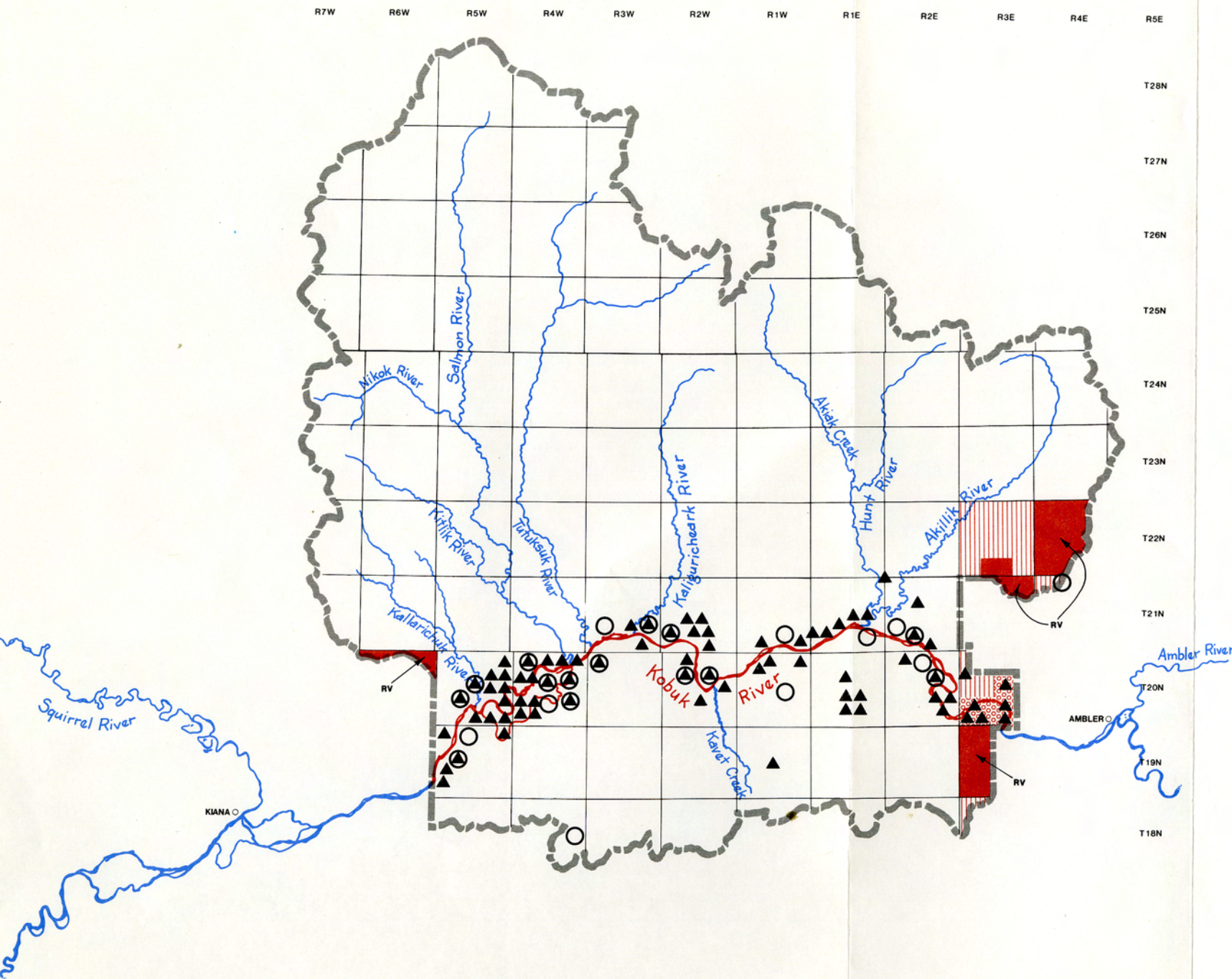
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GROUP

- ▲ SMALL TRACT ENTRIES A
- CEMETERY SITES & HISTORIC PLACES - APPLICATION B
- ⊙ OVERLAPPING SMALL TRACTS & HISTORIC PLACES A&B
- NATIVE REGIONAL CORPORATION - APPLICATION B&C
- ▨ NATIVE VILLAGE CORPORATION - APPLICATION B&C
- ⊞ NATIVE VILLAGE CORPORATION - PATENT & INTERIM CONVEYANCE A
- RV OVERLAPPING APPLICATIONS REGIONAL/VILLAGE B&C
- ~ STATE SUBMERGED LANDS B

NOTE: LAND STATUS IS SUBJECT TO CHANGE AS VARIOUS CONDITIONS AFFECTING LAND STATUS ARE RESOLVED (FOR EXAMPLE, NAVIGABILITY DETERMINATIONS, STATE & NATIVE LAND CONVEYANCES, REJECTIONS OR RELINQUISHMENTS, RIGHTS-OF-WAY, EASEMENTS & SMALL TRACT ADJUDICATIONS). BEDS OF INLAND NAVIGABLE RIVERS & LAKES, TIDELANDS, & SUBMERGED LAND BENEATH MARINE WATERS ARE STATE OWNED.



Special natural features

Major clearwater streams, for example, the Salmon River and the Hunt River

The Great Kobuk Sand Dunes, the Little Kobuk Sand Dunes, and the Hunt River Dunes

Areas of unique botanical communities or species, for example Oxytropis kobukensis

Significant archeological sites

Onion Portage

Ahteut

Others

Scenic qualities

Public Uses

Subsistence uses

Recreational uses

Public access

Administrative Needs

Specific Proposals

The nonfederal lands within the park have been placed in one of three priority groupings. Group A consists of the parcels requiring priority action by the National Park Service in obtaining some interest in these lands so that resources are protected, public use is maintained or enhanced, or effective administration is ensured. Group B requires less immediate attention by the National Park Service, as the present uses of parcels in this group do not appear to have the possibility of conflict with the purposes of the park, although they do have the potential for significant conflicts in the future. Group C consists of parcels that do not appear to have the potential for significant conflicts with the purposes of the park. The implementation of specific proposals in this plan and the order in which the proposals are implemented will depend on funding, staffing, opportunity purchases by willing seller, and other factors.

The recommended land protection actions for the nonfederal land within the park are presented below. The reference numbers of individual parcels correspond to the numbers assigned to these tracts, as shown on table 5 at the end of this chapter. The National Park Service is not required to maintain transfer of ownership records for privately owned lands. Accordingly, the listed tract owner may not be the current owner.

PRIORITY GROUP A

PARCELS: 5,32,33
ACRES: 400
MINIMUM INTEREST NEEDED: Archeological Easement
JUSTIFICATION: These native allotment parcels contain significant cultural and natural resources in areas of public use. Parcel 5 is located on a portion of the Onion Portage archeological site. Parcels 32 and 33 lie atop major portions of the Ahteut archeological site, where there are over 100 house pits. Ground-disturbing activities on these allotments, such as digging for construction, could cause the destruction of nationally and internationally significant archeological resources. These resources are also important to the cultural heritage of native people of the region. Archeological easements would be purchased on the portions of the allotments overlying significant cultural resources. The easements would likely include a provision that any proposed ground-disturbing activities would have to be preceded by a NPS resource survey and clearance, in order to avoid destruction of important resources. The specific terms of the easement will have to be developed and negotiated with the individual owners.

PARCELS: 31
ACRES: 79.99
MINIMUM INTEREST NEEDED: Easement
JUSTIFICATION: This allotment is located along the Kobuk River, several hundred yards downstream from the mouth of Kavet Creek. It overlies the southeastern end of the Ahteut archeological site and the primary route from the Kobuk River to the Great Kobuk Sand Dunes. Ground-disturbing activities could cause the destruction of significant archeological sites. Prohibition of public access across the parcel would result either in the public crossing the allotment on the other side of Kavet Creek, or in the identification and possible marking of a longer route to the dunes, exclusively on federal lands, farther upstream on the Kobuk River. The allotment is located on the most direct and logical route to the dunes.

PARCELS: 1-3, 6-29, 34-71, 73-81
 ACRES: 7510.21
 MINIMUM INTEREST NEEDED: Agreement
 JUSTIFICATION: Nearly all these native allotment parcels lie along the Kobuk River (most are currently in the application phase: very few have been conveyed); a few are located on lakes and tributary rivers. Many of these allotments have cabins or other structures on them. None is currently lived on year-round. Cooperative agreements (Alaska Land Bank) with these landowners would have stipulations that no major changes occur on these lands, such as large-scale commercial developments or recreational subdivisions. If incompatible uses were to be proposed for these lands, the would propose to maintain the existing character of the river corridor through other means, such as acquisition of conservation easements or fee simple.

PARCEL: 4
 ACRES: 5
 MINIMUM INTEREST NEEDED: Fee Simple
 JUSTIFICATION: This parcel (headquarters site) is located next to the main Onion Portage archeological sites, which are internationally significant cultural resources and an area of growing public interest. Incompatible use such as recreational development of this parcel could have adverse effects on cultural resources, public use and subsistence activities.

PARCEL: 72
 ACRES: 80
 MINIMUM INTEREST NEEDED: Fee Simple
 JUSTIFICATION: This native allotment is located on the north side of the Great Kobuk Sand Dunes, in an area with recreational potential, special geological significance, and habitat for the scarce plant, Oxytropis kobukensis. Private ownership of this parcel has the potential to cause scenic damage to a portion of the sand dunes and disturbance to a scarce plant.

PARCEL: NANA Lands: Onion Portage
 ACRES: 9187
 MINIMUM INTEREST NEEDED: Agreement
 JUSTIFICATION: These NANA Regional Corporation lands are located in the Onion Portage area, an area with internationally significant cultural resources and

an area of growing public interest, as well as an area of intensive subsistence hunting of caribou. (The main Onion Portage archeological site is treated below.) Incompatible uses of the lands would have severe effects on these resources and subsistence uses. Interested parties, including the state of Alaska, will be consulted in the formulation of this agreement. The National Park Service maintains a strong interest in the entire Onion Portage area.

PARCEL:	NANA Lands: Onion Portage archeological site
ACRES:	200 (approximate)
MINIMUM INTEREST NEEDED:	Archeological easement
JUSTIFICATION:	NANA owns the majority of the Onion Portage archeological site (a portion is also on a native allotment). This archeological site is recognized to be internationally significant and is also of importance to the cultural heritage of natives of the region. Ground-disturbing activities on the main archeological site (approx. 200 acres) could destroy valuable cultural resources and scientific data. The terms of the easement would be designed to protect the cultural values of the site while allowing private ownership and compatible uses (for example subsistence hunting) to continue.

PRIORITY GROUP B

PARCELS:	NANA selected lands: Little Kobuk Sand Dunes
ACRES:	13,152
MINIMUM INTEREST NEEDED:	Retention in federal ownership
JUSTIFICATION:	These lands lie on the eastern boundary of the park and include the Little Kobuk Sand Dunes and a major migration route of the western arctic caribou herd. Incompatible use of these lands could have negative effects on caribou populations and subsistence hunting of caribou. These lands are currently in federal ownership. It is recommended that land selections by NANA be relinquished, so that the lands can be retained in federal ownership and be managed by the National Park Service. If these lands are retained in federal ownership, they will remain park lands, and the southern half of this parcel will remain as designated wilderness.

PARCEL: NANA selected lands: North of Onion Portage
ACRES: 2897
MINIMUM INTEREST NEEDED: Retention in federal ownership
JUSTIFICATION: These NANA selected lands lie to the north of lands conveyed to NANA in the Onion Portage area. A major caribou migration route passes across these lands. Incompatible uses could negatively affect caribou populations and subsistence hunting of caribou. These lands are presently in federal ownership. It is recommended that land selections by NANA be relinquished, so that the lands can be retained in federal ownership to be managed by the National Park Service. If these lands are retained in federal ownership they will remain park lands.

PARCEL: State submerged lands: Kobuk River
ACRES: 10,596
MINIMUM INTEREST NEEDED: Closure to appropriation under state law
JUSTIFICATION: These submerged lands and lands to ordinary high water are crucial to park resources and public uses of the park. The majority of human use of the park occurs along the Kobuk River corridor. Mining of minerals or sand and gravel on these state lands could have severe adverse effects on water quality, aquatic life, and human uses of the park. The National Park Service would apply to the Alaska Department of Natural Resources for closure of state lands within the park to all forms of appropriation under state laws, and assist the Alaska Department of Natural Resources in fulfilling the procedural requirements to effect such a closure. If closure to appropriation is not possible, the National Park Service would seek to acquire title to these state lands through exchange.

PARCELS: Cemetery and Historic Selections: 14(h)(1)
selections
ACRES: 10,513
MINIMUM INTEREST NEEDED: Retention in federal ownership
JUSTIFICATION: These selections have been made by the NANA Regional Corporation for the purpose of protecting cemetery and historic places that are of importance to the Inupiat Eskimo culture. If these selections are relinquished, all cultural resources and sacred places will be protected under NPS management. If these lands are conveyed, the Park Service will attempt to secure contractual agreements with NANA. These selected lands are currently in federal ownership. It is

recommended that these selections be relinquished, so that the lands can be retained in federal ownership and managed by the National Park Service.

PRIORITY GROUP C

PARCELS:	NANA selected lands: Jade Mountain and west end of park
ACRES:	46,424
MINIMUM INTEREST NEEDED	Retention in federal ownership
JUSTIFICATION:	These NANA selected lands lie on the eastern and western sides of the park. Both parcels are within the hydrographic boundaries of the park, and waters from these lands drain back into the park. Disturbance to these lands could affect water quality, aquatic resources and human uses of the park. These lands are presently in federal ownership. It is recommended that land selections by NANA be relinquished, so that the lands can be retained in federal ownership and managed by the National Park Service. If these lands are retained in federal ownership they will remain park lands.

BOUNDARY CHANGES

No changes in the external boundary of Kobuk Valley National Park are considered to be necessary at this time.

COMPLIANCE CONSIDERATIONS

National Environmental Policy Act requirements for proposals in this plan related to native corporation lands and state lands will be fulfilled at a later date when, and if, conceptual agreements are reached with these landowners. The effects of land exchanges can be evaluated only when both the lands to be acquired and the lands to be removed from federal ownership are identified: this land protection plan currently identifies only the lands (or interests in lands) to be acquired. Environmental assessments and/or environmental impact statements will be prepared prior to the implementation of any land exchange, with the exception of land exchanges involving the conveyance of lands to native corporations that fulfill entitlements under the terms of ANCSA, as provided by section 910 of ANILCA.

Other actions proposed in the land protection plan would cause no significant change in existing land use or public use, and are therefore categorically excluded from NEPA considerations, in accordance with the U.S. Department of the Interior implementing procedures (516 DM6, appendix 7.4 and 516 DM2, appendix 2). Proposed actions for small tracts and submerged state lands are included in this category.

Consistent with current policies on implementation of section 810 of ANILCA, evaluations will be prepared on any proposals in this land protection plan that require the preparation of environmental assessments and/or environmental impact statements, or any proposals that would result in the removal of lands (or interests in lands) from federal ownership.

Pages with native allotments identified have not been included